

DEPARTMENTAL PROPOSALS - 2017 LEGISLATIVE SESSION (July 22, 2016)

Descriptions of local and Statewide legislative proposals requested by County agencies are outlined below. All of these proposals are supported by the County Executive and County Council. The Office of Intergovernmental Relations is in the process of completing research regarding each of these proposals and developing draft legislation.

Local

In a joint meeting in April of the County Council's Public Safety and PHED Committees, two legislative proposals were recommended for addressing the County's serious problem with deer overpopulation. We last worked on deer legislation in 2014.

Reducing the Archery Safety Zone for Deer Hunting (County Council and County Office of Agriculture) - The current safety zone for archery hunting of deer in Montgomery County is 100 yards from a house, church, or other building, or a camp occupied by human beings. It was reduced to 100 yards from 150 yards in 2014. The 2016 recommendation would be to reduce the safety zone to 50 yards. Calvert, Carroll, Frederick, Harford and St. Mary's Counties have a 50-yard archery hunting safety zone. At least one jurisdiction requires that the hunting be done from a tree stand - the general practice for deer hunting with a bow is done from an elevated position. Hunting and fishing legislation is considered by the Senate Education, Health and Environmental Matters Committee and the House Environmental Matters Committee.

Sunday Deer Hunting on Private Land (County Council and County Office of Agriculture) - Interest in this stems from a recommendation made by a representative of the farming community (Montgomery County Ag Producers - MAP). Sunday hunting must be authorized by the Maryland Department of Natural Resources. Montgomery County currently has two days of Sunday hunting on private land and certain public areas during the 130-day hunting season. Last year, almost 15 percent of the total number of deer killed in Montgomery County took place on those two Sundays. The proposal would be to allow Sunday deer hunting on private land only during the 130-day hunting season (not just on two Sundays). MAP advises that opposition can be expected from the equestrian community.

Limited Distillery License (DLC) - The Department of Liquor Control (DLC) is requesting legislation to create a local license to be issued by the Montgomery County Board of Licensed Commissioners (Board) that will allow Class 9 limited distillery license holders to obtain a Class B-BWL or Class D-BWL license. A Class 9 license is issued by the Comptroller and allows for the establishment and operation of a plant in the State for distilling, rectifying and bottling brandy, rum, whiskey, alcohol, and other spirits. A Class 9 license holder may not distill or sell more than 100,000 gallons of liquor per calendar year. The Class B-BWL and Class D-BWL licenses are local licenses issued by the Board and allow for sale of alcoholic beverages for on premise consumption only.

During the 2016 session, the General Assembly passed a bill (HB 1316) authorizing the Comptroller to issue a Class 9 limited distillery license to a Class B-BWL license holder or a Class D-BWL license holder. The law allows the Class 9 license holder to sell the products they manufacture in a manner consistent with the local Class B or Class D

license, for on premise and off premise consumption. The holder of the Class B-BWL or Class D-BWL license may not sell more than 15,500 gallons of product manufactured under the Class 9 limited distillery license in a calendar year.

Under current law, the County cannot issue a Class B-BWL or Class D-BWL license to a Class 9 license holder. Additionally, the County licenses do not allow for off premise sales. DLC is requesting the following: (1) allow Class 9 license holders to obtain the County Class B-BWL or Class D-BWL licenses and (2) allow those Class 9 license holders who obtain a Class B-BWL or Class D-BWL to sell the products they manufacture for both on premise and off premise consumption. These changes will bring distilleries in line with breweries and wineries in the County. It provides distilleries the opportunity to create models similar to a brewpub.

Beer, Wine and Liquor Festival License (DLC) – The Department of Liquor Control is requesting legislation to create an additional festival license that could be issued by the Board. Current law allows for separate beer and wine festival licenses. The local festival licenses are not currently available to distilleries.

DLC has two objectives: First, create a universal festival license available to breweries, wineries and distilleries. The license would be available to those distilleries that hold a State issued Class 1 distillery license, Class 9 limited distillery license or a non-resident distillery permit.

Second, authorize a distillery that obtains a festival license from the Board to sell only the products they manufacture. The County license holder will be subject to the limitations of the State festival license for both on premise and off premise consumption (quarter ounce tastings for on premise consumption and bottle sale for off premise consumption). This change will give distilleries the opportunities afforded to breweries and wineries in the State.

Martin Luther King's Day – Inclusion on the Federal Holiday List for an Additional Hour of Sale for On-Premise Consumption (DLC) – The Department of Liquor Control is requesting legislation to add Martin Luther King's Day to the list of designated federal holidays that allow Class B-BWL and Class B-BWL (H-M) license holders to extend sales of alcoholic beverages for on premise consumption by one hour for the Sunday preceding the federal holiday. A Class B-BWL license allows for the on premise consumption of beer, wine and liquor at restaurants. The Class B-BWL (H-M) allows for on premise consumption of alcohol at hotels and motels. Current law allows license holders to sell alcoholic beverages from 10:00 a.m. on Sunday to 2:00 a.m. the following day (Monday). This change would allow for sales to continue until 3:00 a.m., bringing Martin Luther King's Day in line with six other federal holidays.

On-Premise Multi-License Holders – Inclusion of Class H-BW and Class B-K-BWL Licenses (DLC) – The Department of Liquor Control is requesting legislation to allow Class H-BW license and Class B-K-BWL licenses to be included in the 10 on premise licenses allowed to be held by one individual. The Class H-BW license allows for on premise consumption of beer and wine. The Class B-K-BWL license allows for the on premise consumption of beer, wine and liquor within the town limits of Kensington. This

proposal is similar to legislation passed during the 2016 session that allows an individual to hold a BD-BWL license as one of the 10 on premise licenses.

Bi-County

None at this time.

Statewide

Extension of Hunting Season for One Month though February (A formal request is expected to be made to the County Executive and County Council by the Montgomery County Agricultural Advisory Committee following its meeting on 7/19/16.)- The Committee is expected to support a recommendation from the farming community to lengthen the deer hunting season by one month through February - making it legal to hunt deer from September through February.

One-Week Extension of Deer Hunting Season with a Shotgun (A formal request is expected to be made to the County Executive and County Council by the Montgomery County Agricultural Advisory Committee following its meeting on 7/19/16.)- The Committee is expected to support a recommendation from the farming community to extend by one week the authorized period for hunting deer with a shotgun.

Rabies Vaccination Certificate Reporting (MCPD)- The proposed legislation would allow the office responsible for the collection and issuance of pet licenses in each locality to collect from each veterinary office rabies vaccination certificates for each immunized cat and dog. Maryland law currently prohibits linking vaccination certification with pet licensing. At the suggestion of the Office of the County Attorney, Health General Article §18-319 should be amended to create this link. Greater enforcement of pet licensing laws will not only increase the number of local and state pet licenses and improve rabies vaccination compliance, but it will improve efforts to unite owners with lost pets, enhance public health and safety efforts by allowing officers to quickly identify that an animal has been vaccinated for rabies following an exposure, and provide much-needed revenue for animal services providing everything from rabies vaccination clinics and spay/neuter programs to community education services and emergency food, shelter and medical care for lost, homeless, unwanted and abused animals.

School Bus Cameras- Civil Penalty (MCPD)- MCPS staff and bus drivers report that on any given day, they observe over 1,000 incidents involving vehicles passing a stopped school bus with its red lights flashing. Delegate Kramer introduced legislation in 2015 (HB 471) to increase the maximum civil penalty from \$250 to \$500 for drivers who pass a stopped school bus with its lights flashing. The measure passed the House but did not advance out of the Senate Judicial Proceedings Committee. For 2016, MCPD, the Montgomery County Council and the Montgomery County Board of Education have called for legislation to **require** a maximum fine of not less than \$250 for motorists who illegally pass a stopped school bus with its red lights flashing. The proposed change could provide a greater incentive for motorists to drive more safely in the presence of school buses, and could also be important as Montgomery County prepares to put Stop Arm enforcement cameras on our school bus fleet. (Current law allows for a fine of \$250 but the Chief Judge of the District Court has reduced the fine to \$125 per violation.)